


PROB 12C (Rev. 08/18)		<b>VIOLATION REPORT PART 1: PETITION FOR WARRANT</b>		U. S. Probation Office Eastern District of Michigan		PACTS 6528511		DATE 06/28/2022	
NAME NICKERSON, Jr., Richard Lee			OFFICER Elizabeth Campana		JUDGE Paul D. Borman			DOCKET # 22-CR-20122-01	
ORIGINAL SENTENCE DATE  10/16/2020	SUPERVISION TYPE Supervised Release	CRIMINAL HISTORY CATEGORY IV	TOTAL OFFENSE LEVEL 15	PHOTO 					
COMMENCED 10/22/2021	REVOCATION DATE 01/05/2022								
EXPIRATION 10/21/2024	RECOMMENDED 01/05/2022								
ASST. U.S. ATTORNEY Caitlin Casey		DEFENSE ATTORNEY To Be Determined							
REPORT PURPOSE <b>TO ISSUE A WARRANT</b>									
ORIGINAL OFFENSE  Count 13: 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, Aiding and Abetting Possession with Intent to Distribute Less than 50 Kilograms of a Mixture or Substance Containing a Detectable Amount of Marijuana, a Schedule I Controlled Substance  Count 15: 21 U.S.C. § 841(a)(1), Possession with Intent to Distribute a Mixture or Substance Containing a Detectable Amount of Fentanyl, a Schedule II Controlled Substance									
SENTENCE DISPOSITION  Custody of the Bureau of Prisons for a term of thirty (30) months on each of Counts 13S and 15S, to run concurrently for a total term of thirty (30) months. This sentence shall run concurrently with any sentence imposed in the related state matter, Fayette County, Kentucky, District Court Case No. 19-F-2037, and consecutively with any sentence imposed in the unrelated state matter, Fayette County, Kentucky District Court Case No. 18-F-2597. To be followed by a three-year term of supervised release on each Counts 13S and 15S, to run concurrently, for a total term of three (3) year.  Name of Sentencing Judicial Officer: Honorable Karen K. Caldwell, Eastern District of Kentucky. Jurisdiction accepted by the Honorable Paul D. Borman on March 4, 2022.  Revocation Sentence: January 5, 2022. Custody of the Bureau of Prisons for a total term of Time Served (1) day. Upon release from imprisonment, you will be on supervised release for a term to expire 10/21/2024. All previous conditions of supervised release are reimposed.									

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Amended Revocation Sentence: January 5, 2022. Custody of the Bureau of Prisons for a total term of Time Served (1) day. Upon release from imprisonment, you will be on supervised release for a term to expire 10/21/2024. All previous conditions of supervised release are reimposed.					
ORIGINAL SPECIAL CONDITIONS					
<ol style="list-style-type: none"> <li>1. You must abstain from the excessive use of alcohol.</li> <li>2. You must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing required as a condition of release.</li> <li>3. You must participate in a substance abuse treatment program and must submit to periodic drug and alcohol testing at the direction and discretion of the probation officer during the term of supervision. Said program may include one or more cognitive behavioral approaches to address criminal thinking patterns and antisocial behaviors. You must pay for the cost of treatment services to the extent you are able as determined by the probation officer.</li> <li>4. You must not purchase, possess, use, distribute or administer any controlled substance or paraphernalia related to controlled substances, except as prescribed by a physician, and must not frequent places where controlled substances are illegally sold, used, distributed or administered.</li> <li>5. Should you not complete a GED while in the custody of the Bureau of Prisons, you are to continue in such a program, as directed by the probation office, as a condition of supervision.</li> </ol>					
Criminal Monetary Penalty: Special Assessment \$200.00.					
The probation officer believes that the offender has violated the following conditions of Supervised Release:					
VIOLATION NUMBER	NATURE OF NONCOMPLIANCE				
1	<p><b><u>Violation of Mandatory Condition:</u></b> “YOU MUST NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.”</p> <p>Per Lexington Metro Police Department (Kentucky) on June 13, 2022, officers observed a bright blue Dodge Charger driving erratically, with an excessively loud exhaust and excessively dark window tint. After observing the vehicle stop on a side street an individual approached the vehicle for a short period and the vehicle then sped off and continued to drive carelessly. The vehicle stopped at a Marathon Gas Station at 313 W. New Circle Rd and NICKERSON (driver) exited the vehicle along with passenger, Darnell Thomas. Officers made contact with NICKERSON as they exited the gas station. Standing outside the vehicle a strong odor of marijuana was detected. A narcotics K-9 was brought to the scene and alerted officers to the vehicle. Inside the vehicle officers located 4.1 grams of marijuana. Upon searching NICKERSON, officers located 5.4 grams of fentanyl in his front pants pocket. NICKERSON was placed under arrest. He was transported and booked under case number 22-F-04339 for Aggravated Trafficking in a Controlled Substance (&gt; or = 10 Grams of Carfentanil or Fentanyl Derivatives, Excessive Window Tinting, and No Operator’s License. He is being held at the</p>				

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Fayette County Detention Center in Lexington, Kentucky, with no bond on the Trafficking charge and a \$25,000 bond on the no operator's license charge. Per Kentucky Court of Justice online records, NICKERSON has a preliminary hearing set for June 23, 2022, at 8:30 am.

- 2 **Violation of Mandatory Condition:** "YOU MUST NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE."

Per violation one, NICKERSON was in possession of a controlled substance (Carfentanil or Fentanyl derivatives and marijuana) on June 13, 2022.

- 3 **Violation of Mandatory Condition:** "YOU MUST REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. YOU MUST SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO PERIODIC DRUG TESTS THEREAFTER, AS DETERMINED BY THE COURT."

On May 19, 2022, NICKERSON submitted to a random drug screen which was positive for alcohol, marijuana, amphetamines and fentanyl. He admitted to using marijuana and alcohol prior to the test; however, denied amphetamine and fentanyl use. Per ALERE Toxicology Lab, the screen was confirmed positive for marijuana and norfentanyl.

- 4 **Violation of Standard Condition #3:** "YOU MUST NOT KNOWINGLY LEAVE THE FEDERAL JUDICIAL DISTRICT WHERE YOU ARE AUTHORIZED TO RESIDE WITHOUT FIRST GETTING PERMISSION FROM THE COURT OR THE PROBATION OFFICER."

Per violation number one, NICKERSON was in Lexington, Kentucky, on June 13, 2022, as evidenced by a traffic stop with Lexington Metro Police Department. NICKERSON did not have permission to leave the Eastern District of Michigan.

- 5 **Violation of Standard Condition #7:** "YOU MUST WORK FULL TIME (AT LEAST 30 HOURS PER WEEK) AT A LAWFUL TYPE OF EMPLOYMENT, UNLESS THE PROBATION OFFICER EXCUSES YOU FROM DOING SO. IF YOU DO NOT HAVE FULL-TIME EMPLOYMENT, YOU MUST TRY TO FIND FULL-TIME EMPLOYMENT, UNLESS THE PROBATION OFFICER EXCUSES YOU FROM DOING SO. IF YOU PLAN TO CHANGE WHERE YOU WORK OR ANYTHING ABOUT YOUR WORK (SUCH AS YOUR POSITION OR YOUR JOB RESPONSIBILITIES), YOU MUST NOTIFY THE PROBATION OFFICER AT LEAST 10 DAYS BEFORE THE CHANGE. IF NOTIFYING THE PROBATION OFFICER AT LEAST 10 DAYS IN ADVANCE IS NOT POSSIBLE DUE TO UNANTICIPATED CIRCUMSTANCES, YOU MUST NOTIFY THE PROBATION OFFICER WITHIN 72 HOURS OF BECOMING AWARE OF A CHANGE OR EXPECTED CHANGE."

Nickerson has been unemployed since the onset of supervised release in January 2022.

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<p><b>6</b>      <b><u>Violation of Standard Condition #8:</u></b> “YOU MUST NOT COMMUNICATE OR INTERACT WITH SOMEONE YOU KNOW IS ENGAGED IN CRIMINAL ACTIVITY. IF YOU KNOW SOMEONE HAS BEEN CONVICTED OF A FELONY, YOU MUST NOT KNOWINGLY COMMUNICATE OR INTERACT WITH THAT PERSON WITHOUT FIRST GETTING THE PERMISSION OF THE PROBATION OFFICER.”</p> <p>Per violation one, NICKERSON was arrested on June 13, 2022 and the passenger of his vehicle, Darnell Devon Thomas, had active warrants and is a known felon. Per records Thomas has been convicted of Trafficking in Controlled Substance - 1<sup>st</sup> Degree (&lt;2 gms Heroin) and Drug Paraphernalia Buy/Possess on January 26, 2016.</p>					
I declare under penalty of perjury that the foregoing is true and correct. PROBATION OFFICER  s/Elizabeth Campana/djl/slg (313) 234-5409			DISTRIBUTION  Court		
SUPERVISING PROBATION OFFICER  s/Christina R. Wilkerson (313) 234-5460			PROBATION ROUTING  Data Entry		
<p><b>THE COURT ORDERS:</b></p> <p>[ X ]    The issuance of a warrant lodged as a detainer.</p> <p>[   ]    Other</p> <div style="text-align: right; margin-top: 100px;"> <u>s/Paul D. Borman</u>        United States District Judge   <u>6/29/2022</u>        Date     </div>					